

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

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LYNN R. NELSON,

CASE NO. 8: 14 CV 228

Plaintiffs,

v.

**MOTION FOR LEAVE TO  
AMEND COMPLAINT**

BLUE CROSS AND BLUE SHIELD OF  
NE,

Defendant,

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COMES NOW Plaintiff Lynn R. Nelson (“Nelson”) pursuant to Federal Rule of Civil Procedure 15(a)(2) and Local Rule 15.1 and requests leave to amend her Complaint. In support of her Motion, Nelson states:

1. On the 11<sup>th</sup> day of September, 2014, Defendant filed a Motion to Dismiss alleging the lack of an indispensable party, ConAgra Foods, Inc. and that the Employer Retirement Income Security Program (“ERISA”) preempts the state law claims set forth in Nelson’s Original Complaint. (Doc. #9, 11).
2. In order to cure the deficiencies alleged by Defendant, Nelson requests leave to amend her Complaint. A clean copy of Nelson’s proposed Amended Complaint is attached as Exhibit “A” which adds ConAgra, Inc. and ConAgra Foods Employee Benefits Administrative Committee as parties and states cognizable claims under ERISA.
3. The proposed amendments and changes are redlined on the attached Exhibit “B.”
4. The undersigned conferred with opposing counsel and this Motion is opposed.

WHEREFORE, Plaintiff requests that this Court grant her leave to file an Amended Complaint in substantially the same form as the attached Exhibit "A" and deny Defendant's Motion to Dismiss as moot.

Respectfully submitted,  
Lynn R. Nelson, Plaintiff,

By: /s/ Jason Mario Bruno  
Jason Mario Bruno, NE #23062  
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ATTORNEY FOR THE PLAINTIFF

#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing instrument was sent via email to the following individuals this 1st day of October, 2014.

Thomas E. Johnson  
Nicholas K. Rudman  
Baird Holm, LLP  
1700 Farnam Street, Suite 1500  
Omaha, NE 68102-2068

/s/ Jason Mario Bruno